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OFFICE OF PETITIONS

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| In re Application of | : | |
| Ravi Hariprasad, Rajesh Ghanta, | : | DECISION REFUSING |
| Praveen Ghanta and Ravi Ghanta | : | STATUS UNDER |
| Application No. 10/728,249 | : | 37 CFR 1.47(a) |
| Filed: December 4, 2003 | : | |
| Attorney Docket No. 291966-00003 | : | |

This is in response to the PETITION TO ACCEPT A DECLARATION SIGNED BY TWO OF THE FOUR INVENTORS UNDER 37 C.F.R. § 1.47(a), filed August 18, 2005.

The petition under 37 CFR § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR §1.136(a).

The above-identified application was filed on December 4, 2003, without an executed oath or declaration, missing the statutory basic filing fee, and with additional claim fees due. In response to the "Notice to File Missing Parts of Application" mailed June 25, 2004, applicants submitted a DECLARATION OF ASSIGNEE FOR UTILITY PATENT APPLICATION (37 CFR 1.63) executed by Duncan Mackay for the assignee with a 3.73(b) statement, and paid the outstanding fees. By decision mailed May 24, 2005, a

previous petition under 37 CFR 1.47(b) was dismissed for failure to i) submit an acceptable oath or declaration, including the relationship to the inventors of the person signing on behalf of the assignee; ii) provide adequate proof of the unavailability of the non-signing inventors; and iii) prove that the filing of the application by the 47(b) applicant was necessary to preserve the rights of the parties or to prevent irreparable damage.

In response, applicants filed the instant petition under § 1.47(a), along with a declaration executed by joint inventors Praveen Ghanta and Ravi Ghanta on behalf of themselves and on behalf of non-signing joint inventors Rajesh Ghanta and Ravi Hariprasad. This response was made timely by an accompanying petition and fee for extension of time.

To the following extent, applicants have now satisfied the deficiencies for status under 1.47. Requirement iii) noted above is no longer a deficiency as it is not required to satisfy 1.47(a). Furthermore, on previous petition, applicants satisfied the shared requirements under 1.47(a) and (b) that the petition include payment of the petition fee and a statement of the last known address of the non-signing inventors. Furthermore, the instant petition satisfies requirement ii). The petition includes adequate proof that the non-signing inventors have, by their conduct, refused to join in the application.

However, the instant petition must be dismissed because one deficiency remains outstanding. As stated in the Notice mailed October 7, 2004 and as reiterated in the decision mailed May 24, 2005, an acceptable declaration must include the citizenship of the inventors. The declaration received on renewed petition still does not include this information for all of the inventors. A review of the record does not reveal that any further declaration was received. Identifying of the citizenship of the inventors is a statutory requirement and thus, cannot be waived. It is not sufficient to state "citizenship unknown."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
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Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a horizontal line extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions